

The motion was agreed to; and the Senate resumed the consideration of legislative business.

#### CUBA

Mr. KEATING. Mr. President, yesterday I spoke on the subject of Cuba. At that time I did not have fully confirmed the matter to which I shall address myself now. I now have it fully confirmed. As a result, I call upon the appropriate Government officials to confirm or to deny reports of intermediate range missile bases in Cuba.

Construction has begun on at least a half dozen launching sites for intermediate range tactical missiles. Intelligence authorities must have advised the President and top Government officials of this fact, and they must now have been told that ground-to-ground missiles can be operational from the island of Cuba within 6 months.

My own sources on the Cuban situation, which have been 100 percent reliable, have substantiated this report completely.

When are the American people going to be given all of the facts about the military buildup in Cuba?

Yesterday I pointed out, for either the 19th or 20th time, that we are not getting the whole story on Cuba. I referred to the recent testimony by Under Secretary of State George Ball before the House Select Committee on Export Control. Presumably the report was supposed to be in line with the President's commitment of September 4 that, "We shall continue to make information available as fast as it is obtained and properly verified."

I stated that Mr. Ball had confirmed facts which some of us had previously reported; that he had identified three, possibly four, short-range missile sites in Cuba. I commented, however, that the significant sentence in his testimony, which was buried away, perhaps in the hope that no one would notice it, was this: "Quite likely several more such sites will be installed."

The fact of the matter is, according to my reliable sources, that six launching sites are under construction—pads which will have the power to hurl rockets into the American heart land and as far as the Panama Canal Zone.

Why would Under Secretary Ball give the committee the impression that new missile sites were a possibility rather than a fact? Even as possibilities, he indicated they would be short range rather than intermediate range missile sites. Why has such a veil been thrown around Cuba, keeping this new information from the American people? Are they still trying to perpetuate the myth that the buildup is defensive? Is it possible anyone in Government is childish enough to believe this?

According to Mr. Walter Lippmann's column of yesterday, the United States has "an elaborate system of surveillance by sea, by air, and by land and there is every reason to think that its accuracy is very high. Little of military interest can happen without our knowing it. We do not have to guess. We know."

If this is true, our Government is well aware of the fact that within a matter of months Cuba may have the capability of launching intermediate range missiles, but the American people are being kept in the dark. The Soviets know the fact. The Cubans know this fact. But in the view of the administration our people are not entitled to know it.

Mr. President, let us have all the facts, and have them now.

#### U.S. WEAPONS RESEARCH

Mr. HUMPHREY. Mr. President, I would not want this session of Congress to conclude without the privilege of offering a few comments on the problem facing the United States in the one area in the world where the cold war is a very hot war. I refer to the fighting in Vietnam.

I will not at this late hour attempt to comment on the many phases of the Vietnamese situation in any detail.

It is, however, gratifying to note that, in recent months, the tide may well have turned for the forces of freedom against the Communist guerrillas of the north.

Under the leadership of President Kennedy and the active followthrough by Secretary of Defense McNamara, U.S. advisory and support forces have helped Vietnam seize the offensive in many areas.

A number of striking successes have been achieved.

The Vietnamese Army, civil guard, and self-defense corps have been greatly strengthened. They are far better led, manned and equipped than they were a year ago.

This we can attribute to the advisory group of the U.S. military forces, and of course to the improvement in the overall training of the Vietnamese forces.

The vast program of construction of 2,300 strategic villages, with protective perimeters, has been advancing steadily.

There is strong evidence that Viet Cong forces are finding increasing difficulty in maintaining or winning the support of the peasant population in many areas.

This, I believe, is the most reassuring development of all.

#### LONG OVERDUE REFORMS

All is not as we might wish it, however.

The reforms which many Americans have long sought on the part of President Diem—economic, military, political, social—are still a long way from realization.

#### ABRIDGEMENT OF REPORTERS' FREEDOM OBJECTIONABLE

Vietnamese press censorship and interference with foreign correspondents is hardly reassuring.

We Americans have learned to be skeptical of general situations when the right of American reporters to travel and report freely is seriously abridged. We are rightly skeptical of dispatches which seem to depend overly on official press-agency, because our correspondents are not permitted to go where they want to, when they want to, to check up for themselves.

The Republic of Vietnam has the right to manage its own affairs in its own way; we are its ally, but also its guests within its borders.

The fact, however, that it is American men who are being shot at in helicopters or ambushed while on training missions does give us the right to speak frankly, as friends to the government of a courageous leader, President Diem.

And, of course, it is American taxpayers' money which is paying the big financial bill.

This is witnessed by the amount of money in the recent foreign aid appropriation for this area of the world.

#### COMMENDATION OF U.S. FORCES

But it is human lives that count—American boys' lives and Vietnamese lives, in defense of freedom.

I cannot express too high or warm a commendation to the Army and Marine helicopter pilots, or the American soldiers who have been training Vietnamese troops in forward areas.

Mr. President, I ask unanimous consent that an article appearing in Tuesday's New York Times describing the fighting in Vietnam be printed at this point in my remarks. This article illustrates the massive difficulties we face in maintaining such limited war operations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### VIETNAM WAR A FRUSTRATING HUNT FOR ELUSIVE FOE

(By David Halberstam)

AT MY DIEN, VIETNAM, October 7.—"The enemy lives and fights like a swamp rat," said an American adviser to the government forces here, "and there is only one way to fight him—the same way."

The war in South Vietnam is an endlessly wet and frustrating business that involves wading shoulder high in rice paddies in the Mekong Delta avoiding Communist mantraps and chasing an elusive, determined enemy over terrain that favors leeches over men, pursued over pursuer.

The conflict in South Vietnam has its particular horrors and pathos. Probably nothing is worse, so far as Americans are concerned, than the way the struggle moves back and forth across the land, taking the lives of simple peasants.

A major operation this weekend in Dinh Tuong Province involving more than 1,000 government troops offered an insight into some of the agonies of this guerrilla war. The target was a stronghold of the Vietcong, the Communist guerrillas.

The Vietcong stronghold was in rich rice land along a canal. The attack started at daybreak, with helicopters landing Vietnamese troops in waist-high paddies on the outskirts of a cluster of huts here.

The attack started almost immediately for C Company. The men moved out by a slow, tiring crawl through the marsh toward the village. The village was reached with almost no shooting.

Inside the peasant huts there were only frightened women and children. Young men are never found. They would be seen as Communists so they slip away the moment the first helicopter places the moment the first helicopter heard.

Later C Company learned that not all peasants had been so lucky. One company landed near three peasants in a field with water buffalo.

The three started to run. One was killed by automatic-weapons fire and two were

Now, a Senator, who has been in the service of this distinguished body for almost 24 years and asks that this nomination be held up until March 1963, in view of the facts given, is entitled to the courtesy of a favorable consideration. Some of my friends who have been misinformed, when they got the information such as I am giving, say, "Well, that's different. We don't blame you at all."

I can't say that Green is obnoxious to me; but I can say that the treatment I received is obnoxious.

By referring to the procedural rules on page 386 of Senate Procedure, the language is as follows:

"Nominations submitted to the Senate for confirmation are occasionally opposed on the basis of being personally objectionable to a particular Senator or that senatorial courtesy has not been considered."

I want to make my point clear that senatorial courtesy has some meaning, and if any of you had been treated as I have, I am sure you would say senatorial courtesy was absent.

When I was a freshman Senator I had an experience that has stood by me. Senator Carter Glass, of Virginia, was so sick that he was lifted in before the Judiciary Committee, and he raised his voice against the nominee of the President. Who was the President? Franklin Roosevelt. I cannot remember what he said or even the name of the individual from Virginia that President Roosevelt nominated, but I can remember that the Judiciary Committee stood mildly back of their fellow Senator. In other words, they interpreted senatorial courtesy. There was a recognition of the validity of "advice and consent."

Every appointment is the result of the joint action in the Senate. The Senate is not just a willy-nilly body. It is a creature of the Constitution and I am voicing my objection under senatorial courtesy for the reasons that I have indicated.

The PRESIDING OFFICER. The Chair will state that the appearance of the nominee's name on the Executive Calendar is prima facie evidence that he was properly and regularly confirmed by the committee.

Mr. PROXMIRE. Mr. President, may I say to the Chair that I consulted the Parliamentarian earlier. He told me that the exact situation. He told me that the situation was that a point of order under these circumstances, since a quorum of the committee was not present, would be well taken. Then I consulted the majority leader.

The PRESIDING OFFICER. The Chair is not arguing about whether or not the point of order would be well taken. The Chair is not conversant at all with the facts of the situation. A further inquiry of the chairman of the committee would have been made as to whether or not there was a polling of the committee and a quorum was present. [REDACTED] from Wisconsin has communicated to the Chair, that, under the circumstances as communicated to the Chair, that, under the Legislative Reorganization Act of 1946, the point of order would be well taken.

Mr. PROXMIRE. Let me say this again. The Chair has stated the situation correctly. The Chair has no knowledge of the facts, although he has to assume that, because the nomination is on the calendar, it was properly reported, but the Chair would make in-

quiry of the chairman of the Finance Committee, and the chairman would have no alternative but to state the fact, which was that a quorum was not present. Under those circumstances the ruling would have to be made that a quorum was not present and the point was well taken.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, in all candor, it should be stated that the distinguished minority leader did state truthfully that the nomination was approved on the basis of a poll taken among the members of the Finance Committee, and not on the basis of a quorum being present to consider it. It was the understanding of the minority leader, the majority leader, the Senator from Wisconsin [MR. PROXMIRE], and others that under a situation of that kind a point of order was valid and would be upheld.

Is that a correct statement?

The PRESIDING OFFICER. The Senator is correct, on the basis of the information given to the Chair by the minority leader, the majority leader, and the Senator from Wisconsin.

Under section 133(a) of the Legislative Reorganization Act of 1946, which operates as a rule of the Senate, it provides that—

No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

If the Committee on Finance reported the nominations in question without a majority of the members being actually present, the action of the committee in ordering them to be reported to the Senate was in contravention of the above section of the Legislative Reorganization Act, and therefore such action was without authority and void. Being "actually present" means they would have had to be present in committee, and a poll does not present a compliance with the rule.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. I move that the Senate continue with the nominations on the Executive Calendar.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

#### APPRAISER OF MERCHANDISE IN CUSTOMS COLLECTION DISTRICT NO. 10

The PRESIDING OFFICER. The clerk will state the next nomination on the calendar.

The legislative clerk read the nomination of Michael Stramello, Jr., of New York, to be appraiser of merchandise in customs collection district No. 10.

The PRESIDING OFFICER. Without the nomination is confirmed.

#### AMBASSADORS

The legislative clerk proceeded to read sundry nominations for Ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nomina-

tions for Ambassadors be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc; and, without objection, they are confirmed.

#### U.S. REPRESENTATIVES AND ALTERNATE REPRESENTATIVES TO THE 12TH SESSION OF THE GENERAL CONFERENCE OF UNESCO

The legislative clerk proceeded to read sundry nominations of persons to be representatives of the United States of America to the 12th Session of the General Conference of United Nations Educational, Scientific, and Cultural Organization.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nomination of persons to be U.S. Representatives and alternate U.S. Representatives to the 12th Session of the General Conference of UNESCO be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana? The Chair hears none; and, without objection, the nominations will be considered en bloc, and are confirmed en bloc.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of postmasters may be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana? The Chair hears none; and, without objection, the nominations bloc and are confirmed en bloc.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE NAVY

The legislative clerk proceeded to read sundry nominations placed on the Secretary's desk, for appointments in the Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations for appointment in the Navy, placed on the Secretary's desk, may be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana? The Chair hears none; and, without objection, the nominations will be considered en bloc, and are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President may be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.